

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, } 8:13CR63
Plaintiff, }
vs. } ORDER
LAWRENCE R. FLEURY, }
Defendant. }

This matter is before the court on the motion for an extension of time by defendant Lawrence R. Fleury (Filing No. 48). Fleury seeks an additional thirty days in which to file pretrial motions in accordance with the progression order. Fleury has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 49). Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Fleury's motion for an extension of time (Filing No. 48) is granted. Fleury is given until **on or before August 28, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between July 30, 2013, and August 28, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. The trial scheduled to commence September 10, 2013, is canceled and will be rescheduled following the disposition of any pretrial motions filed in accordance with this order or the expiration of the pretrial motion deadline set forth above.

DATED this 30th day of July, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge